

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 4, 5, 8, 12, 18, 23, and 24 have been cancelled.

New claims 25-32 have been added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 2, 3, 6, 7, 9-11, 13-17, 19-22, and 25-32 are now pending in this application.

Rejection under 35 U.S.C. § 102

Claims 1-5, 8, 12-18, 23, and 24 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,700,026 (hereafter “Zalewski et al.”). This rejection is respectfully traversed.

The Office indicated that claims 6, 7, 9-11, and 19-22 contain allowable subject matter. Claims 1, 4, 5, 8, 12, 18, 23, and 24 have been cancelled. Claims 6, 9, 19, and 21 have been amended to be placed in independent form. Applicants submit that claims 2, 3, 6, 7, 9-11, 13-17, and 19-22 have been placed in condition for allowance. Withdrawal of this rejection is respectfully requested.

New Claims 25-32

New claims 26 and 27 depend upon claim 9 and new claims 28-32 depend upon claim 21. Applicants submit that new claims 26-32 are in condition for allowance.

New claim 25 recites a vehicle height adjusting apparatus comprising a suspension spring supporting a sprung weight of a vehicle; a pivotal unsprung member carrying a road

wheel and connected to a lower end of the suspension spring so as to pivot in response to deformation of the suspension spring; and a drive mechanism adapted so as to be free from the sprung weight and capable of moving the unsprung member so as to cause the suspension spring to increase or decrease in length and thereby adjusting a vehicle height at the road wheel, wherein the drive mechanism includes a line member connected at one end thereof to one of a vehicle body side member and the unsprung member and a drive unit disposed at the other of the vehicle body side member and the unsprung member and capable of driving the line member toward and away from the other of the vehicle body side member and the unsprung member, and wherein the drive mechanism further includes a resilient member connected to the other end of the line member, the drive unit causing the resilient member to deform resiliently, thereby driving the line member.

Zalewski et al. discloses a vehicle body lowering system that includes a pair of hydraulic cylinders 306, 308; constant length lines 322, 324 fastened to the ends of pistons 326, 328 of the cylinders 306, 308; and pulleys 314, 316. See Zalewski et al. at col. 7, lines 5-13, 35-37; Figure 10. However, Zalewski et al. does not disclose a drive mechanism that “includes a resilient member connected to the other end of the line member, the drive unit causing the resilient member to deform resiliently, thereby driving the line member.” On page 2 of the Office Action, the Office states that the pulleys 314, 316 are resilient members. However, Zalewski et al. discloses that the constant length lines 322, 324 are fastened at one end to the pistons 326, 328; routed through the pulleys 314, 316; and fastened by their other end to a rear axle housing 318. See Zalewski et al. at col. 7, lines 35-40; Figures 10 and 11. Therefore, the pulleys 314, 316 are not resilient members “connected to the other end of the line member” because the ends of the constant length lines 322, 324 are connected to the pistons 326, 328 and the rear axle housing 318. Nor does Zalewski et al. disclose or suggest that the pulleys 314, 316 are caused “to deform resiliently, thereby driving the line member.” Therefore, Zalewski et al. fails to disclose or suggest all of the features of new claim 25.

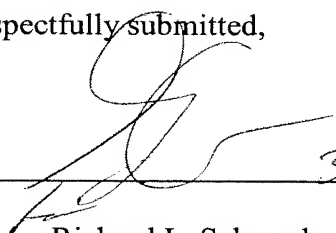
Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 12/20/06

By  34371

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5414
Facsimile: (202) 672-5399

Richard L. Schwaab
Attorney for Applicant
Registration No. 25,479